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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,022	01/13/2006	Gunter Ebner	016906-0392	1361

22428 7590 12/27/2006  
 FOLEY AND LARDNER LLP  
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 3000 K STREET NW  
 WASHINGTON, DC 20007

EXAMINER
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MILLER, SAMANTHA A

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/534,022	Applicant(s) EBNER ET AL.	
	Examiner Samantha A. Miller	Art Unit 3749	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Neuss (Pat. 6,422,633). Neuss teaches in the specification and Figs. 1- 9 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

Neuss teaches a device (10) for air distribution in the interior (col.2 ll.47-50) of a vehicle having a ventilating element (11) (col.2 l.37) for generating an air flow (col.2 ll.43-50) and having at least one flow duct (10) connected to the ventilating element together with a plurality of air discharge elements (col.2 l.37) leading into the interior, characterized in that the flow duct takes the form of a common multi-chamber duct (23) (col.3 ll.9-13 and col.5 ll.5-11) (Fig. 7-8) for a plurality of air discharge elements and has a plurality of outlet openings (where 15,16, and 17 meet 10) which open directly into the air discharge elements (Fig.1). The multi-chamber duct (23) (col.3 ll.9-13 and col.5 ll.5-11) takes the form of a two-chamber duct (Fig. 7-8). The multi-chamber duct is subdivided into a plurality of chamber ducts (15, 16, and 17) (col.5 ll.5-11). Then each chamber duct (15, 16, and 17) opens out into an associated air discharge element. The chamber duct takes the form of a cold flow duct (17) (col.2 ll.50 –55) and another takes

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the form of a warm flow duct (16 thru 39). The multi-chamber duct is arranged running longitudinally and/or transversely along a vehicle shell (Fig.1). The multi-channel duct (16) takes the form of a ring main (Fig.7-8). A flow duct (10) for use in a device for air distribution in a vehicle, characterized by a duct wall (18) of an at least partially deformable thermoplastic material (col.2 ll.62-67), which is shaped (col.4 ll.56-57) and detachably fixed (col.4 ll.37-38), forming a hose-like hollow space (19) (col.4 l.61- col.5 l.2) (Fig.7-8). The material is fixed to a dimensionally stable surface (ribs, webs, and 41) (col.4 25-30), forming a hollow space (19). The material itself is formed like a hose (col.4 ll.63-64). The deformable material (col.3 ll.3-5) takes the form of a film-like material is a thermoplastic or polypropylene or polyurethane like in applicant's specification, which is described as a fabric-like material (col.2 ll.62-67).

The duct wall (18) is fixed in the manner of a clip (49) (col.4 ll.37-38). The deformable material is provided with a profile (Fig.7-8). The duct wall (18) is formed from a plurality of layered films, which are arranged on the dimensionally stable surface (41), forming a hollow space (19). The layered films are additionally enclosed by a solid material (41, ribs, and webs) (col.3 ll.3-5 and col.4 ll.25-26). The elastic, deformable and/or foldable dividing wall (18 center of the two 19 shown) is arranged between two chambers (Fig.7-8) of a multi-chamber duct (23). An overall air flow is generated by means of a ventilating element (11) (col.2 l.37) and delivered to a flow duct (10) connected to the ventilating element, an associated partial air flow (through 10) in each case being drawn from the overall air flow by way of a plurality of air discharge elements (15,16,17) opening into the interior (col.2 ll.47-50). The overall airflow is made up of the

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sum of all partial airflows. The overall airflow is made up of a corresponding number of partial airflows varying as a function of the time and/or conditions.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuss in view of Gray (5,399,121).

Neuss teaches the invention as discussed above. However, Neuss does not teach a mixing chamber with a regulating element.

Gray teaches an individual chamber duct takes the form of a two-chamber duct (26) or an individual mixing chamber duct (26) (col.3 ll.15-17). The respective outlet opening (34) comprises at least one regulating element (48) and/or a mixing element (48). The flow duct is provided with at least one regulating element (48) (col.3 ll.27-35) (Fig.2A -2B).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the air distribution device of Neuss in view of the teaching of Gray in order to heat and cool an automobile using an air distribution system that uses available duct space more efficiently (Gray, col.1 ll.1-4).

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuss in view of Suzuki (6,409,590).

Neuss teaches the invention as discussed above. However, Neuss does not teach a temperature sensor.

Suzuki teaches a measuring sensor for registering relevant operating data is provided on at least one air discharge element (col.2 l.61 and col.7 ll.48-49)

. Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the air distribution device of Neuss in view of the teaching of Suzuki in order to improve the air guide duct which is disposed inside vehicle interior members such as an instrument panel so as to guiding temperature regulated air from the air conditioner unit to the air outlets (Suzuki, col.1 ll.6-12).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As listed on PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

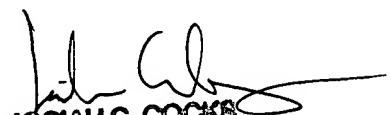
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josiah Cocks can be reached on 571-272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2:17-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system~ call 8002786-91~99 (IN USA OR CANADA) or 571-272-1000.



Samantha Miller  
Examiner  
Art Unit 3749  
12/11/2006



JOSIAH C. COCKS  
PRIMARY EXAMINER  
Acting SPE